

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CARRIE SCHEUERMAN,

Plaintiff,

v.

CENTRAL STATES PENSION FUND

Defendant.

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Case No. 1:23-cv-16245

Magistrate Judge Heather McShain

JOINT STATUS REPORT

Plaintiff, Carrie Scheuerman (“Plaintiff” or “Scheuerman”), and Defendant, Central States Pension Fund (“Defendant” or “Central States”) (collectively, the “Parties”), by and through their respective attorneys, conferred as required by this Court’s Order of October 24, 2024 (Dkt. #49) and jointly submit this Status Report:

a) Progress of Discovery

i. Remaining Depositions of Plaintiff’s Medical Providers

The Court initially set a fact discovery cutoff of October 4, 2024. In the Court’s Order of October 24, 2024 (Dkt. #49), the Court granted Defendant’s motion to reopen fact discovery for the limited purpose of deposing up to two of Plaintiff’s medical providers by December 13, 2024. Pursuant to the Court’s Order, Defendant noticed the depositions of two medical providers—Dr. Steven H. Goldberg and Nurse Practitioner Peggy Christianson of Bellin Health on November 14, 2024. Defendant additionally noticed the deposition of a third medical provider, Pharmacist Derek T. Loch of Nicolet Pharmacy, Inc. on November 21. Defendant made attempts on November 20, 21, 22, and 25 to contact Plaintiff, through her counsel, regarding any opposition to a third

deposition and her willingness to provide an amended HIPAA release to permit her medical providers to give oral testimony. Defendant did not receive a response. On November 26, 2024, Defendant moved the Court for leave to depose Pharmacist Loch and to compel an amended HIPAA release from Plaintiff. (Dkt. #50).

As set forth in Defendant's pending motion (*Id.*), because of Plaintiff's unexpected deposition testimony, Defendant finds it necessary to depose a third medical provider, Pharmacist Loch, who prescribed Plaintiff Paxlovid, a medication commonly used to cure COVID-19. Plaintiff testified that this prescription record was in error and the Paxlovid was actually prescribed for her father. Defendant additionally moved to compel Plaintiff to provide an amended HIPAA release to authorize these medical providers to give oral testimony. Today, the Court ordered Plaintiff to file an opposition to Defendant's pending motion by tomorrow, December 3, 2024. (Dkt. #51). This afternoon, Plaintiff informed Defendant via email that she does not object to the additional discovery Defendant requested. However, Plaintiff did not provide Defendant with the amended HIPAA release, nor did she represent that she intends to provide Defendant with the release. As explained in the pending motion, Defendant must provide the counsel for Bellin Health with an amended HIPAA release that authorizes oral testimony in order for Defendant to conduct the depositions of Dr. Goldberg and Nurse Christianson. Considering that Nurse Christianson's deposition is scheduled for Wednesday, December 4 at 8:00 AM, Defendant will need to provide the counsel of Bellin Health with an amended HIPAA release by tomorrow, December 3. Presuming the Court grants Defendant's pending motion, Defendant will depose three medical providers: Dr. Steven H. Goldberg, Nurse Practitioner Peggy Christianson, and Pharmacist Derek T. Loch by the December 13 discovery cutoff.

b) Status of Settlement Discussions

The parties have not engaged in settlement discussions since the filing of the Complaint. The parties do not request a settlement conference at this time but may revisit the issue after the depositions are completed. In the event the parties decide to request a settlement conference, given that this is a consent case, the parties would prefer to have a different judge preside over any settlement conference in the future.

c) Additional Issues for the Court's Review

None at this time.

Dated: December 2, 2024

Respectfully submitted,

/s/Ethan Zelizer

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Respectfully submitted,

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